

5CS-16

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

10 JUL 1996

Gulf & Western  
c/o Michael A. Cyphert  
Thompson, Hine and Flory  
National City Bank Bldg.  
Cleveland, OH 44114

Re: Fields Brook, Ashtabula County, Ohio

Dear Sir or Madam:

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced site. EPA is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., unless EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners or operators of the site and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the site.

Based on information EPA received during its investigation of conditions at this site, EPA believes that you and/or your firm may be responsible parties. EPA is currently completing a remedial investigation/feasibility study (RI/FS) to address contamination in the brook and will be acting on the recommendations of that study. Before undertaking any necessary remedial action at the site, however, U.S. EPA will request that the responsible parties voluntarily perform the work required to abate any releases or threatened releases of hazardous substances, pollutants, and contaminants. Under Section 107(a) of CERCLA, responsible parties may be held liable for all reasonable costs incurred by U.S. EPA when it expends public funds to achieve the cleanup of hazardous substances at a waste site.

In addition, EPA is seeking to obtain certain information from you pursuant to its authority under Section 104 of CERCLA, 42 U.S.C. §9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927, for the purpose of enforcing CERCLA and RCRA and for the purpose of assisting in determining the need for response to a release of

hazardous substance(s) under CERCLA. The Administrator of EPA has the authority to require any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. §6903(5) and Section 101(14) of CERCLA, 42 U.S.C. §9601(14), to furnish the EPA with information related to such activities. Pursuant to these statutory provisions, you are hereby asked to submit the information solicited in the enclosed Request for Information.

The information sought in the enclosed Request for Information must be sent to EPA within thirty (30) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. §6928, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties of up to twenty-five thousand dollars (\$25,000.00) per day of non-compliance. Failure to comply with this request under Section 104 of CERCLA, 42 U.S.C. §9604 may result in a civil enforcement action being brought against you by U.S. EPA.

The information sought in the Request for Information must be provided notwithstanding its possible characterization as confidential or a trade secret. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is submitted since any information not so identified will not be accorded this protection by the EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to the enclosed Request for Information must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to EPA Region V pursuant to the enclosed Information Request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find at any time after the ~~submission of the requested information and documents~~ that any portion of the submitted information or documents is false, the signatory should immediately so notify EPA. Should any response certified as true be found to be untrue, or should any document certified as authentic be found to be inauthentic, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001.

Your response to the enclosed Request for Information should be sent to the address listed above. If you need further information, you may contact Mr. Kerry Street of the EPA Region V

Hazardous Waste Enforcement Branch at (312) 886-7246, or if you have any legal questions, you may contact Mr. Peter M. Page, Assistant Regional Counsel, at (312) 886-6623.

Due to the nature of the problems at this site and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope that you will give this matter your immediate attention.

Sincerely,

Basil G. Constantelos, Director  
Waste Management Division

cc: Roger Hannahs, OEPA

bcc: Kerry Street, CES  
Shirley Dorsey, CES

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STAFF ATTORNEY	<u>RMP</u>	<u>6/30/86</u>
SECTION CHIEF	<u>LF</u>	<u>6/30/86</u>
BRANCH CHIEF	<u>RCF</u>	<u>7/3/86</u>
DEPUTY REG. COUNSEL	_____	_____
REGIONAL COUNSEL	_____	_____
OTHER	_____	_____
OTHER	_____	_____

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